

Appl. No. 10/619,061  
Amdt. dated October 31, 2006  
Reply to Office Action of 08/01/2006

Docket No. A01182

### REMARKS/ARGUMENTS

Claims 1, 3, and 9-12 remain in this application. Claims 2 and 4-8 are canceled, without prejudice. Claims 11 and 12 are new.

#### Amendments: Lack of New Matter

Applicant submits that the forgoing claim amendments do not introduce new matter into the present application.

In claims 1 and 9, the inclusion of fabric in the aqueous system is disclosed throughout the present specification. The use of the composition of the present invention in "fabric care" is disclosed, for example, on p. 1, line 20. The composition of the present invention is "one or more polyelectrolytes in contact with an aqueous system." The use of such a composition for "fabric care" inherently includes situations in which the aqueous system includes fabric. This conclusion is reinforced in the present specification on p. 28, lines 25-26, where the illustrative example is given of an aqueous system that is a fabric laundry wash cycle, which is an aqueous system that includes fabric.

In claim 9, the recited crosslinking agents are disclosed on p. 14, line 28 of the present specification.

New claims 11 and 12 are based on the present specification p. 28, line 26.

#### Response to rejection of claims 9-10 under 35 USC 112, first paragraph

In the above-identified Office Action the Examiner rejected claims 9-10 under 35 USC §112, first paragraph as lacking written description. The Examiner stated that the present specification does not provide support for carbonate, bicarbonate, and acetate.

The language of currently amended claim 9 is taken from the present specification, as stated herein above. Carbonate, bicarbonate, and acetate are not recited in currently amended claim 9. Applicants submit that currently amended claim 9 has written description support in the present specification.

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Response to rejection of claims 9-10 over Owens

In the above-identified Office Action the Examiner rejected claims 9-10 under 35 USC §102(b) as anticipated by, or in the alternative under 35 USC §103(a) as obvious over US 5,319,018 (Owens).

Owens discloses acid functional polymer that is reacted with a transition metal compound (col. 3, lines 51-42). Owens discloses that such polymer can be used in "coatings such as paints, polishes, particularly floor polishes, industrial and maintenance coatings" (col. 8, lines 28-30).

Currently amended claim 9 involves the use of fabric. Owens does not teach or suggest the use of fabric in any way. Consequently, Applicants submit that currently amended claim 9 is novel and non-obvious over Owens. Further, Applicants submit that present claims 10 and 11, because they are dependent on currently amended claim 9, are also novel and non-obvious over Owens.

Additionally, Owens does not teach or suggest a composition in which polyelectrolyte surrounds an active ingredient. Thus, Applicants submit that this feature provides an additional reason why present claim 10 is novel and non-obvious over Owens.

Further, Owens does not teach or suggest including polyelectrolyte in a laundry wash cycle. Thus, Applicants submit that this feature provides an additional reason why new claim 11 is novel and non-obvious over Owens.

Response to rejection of claims 1, 3, and 9-10 over Bardman

In the above-identified Office Action the Examiner rejected claims 1, 3, and 9-10 under 35 USC §103(a) as obvious over US 6,710,161 (Bardman).

Bardman discloses coating compositions containing copolymers containing phosphorus acid monomer (col. 1, line 44). Bardman further discloses that the coating compositions may contain additional copolymers (col. 14, lines 58-63). The use disclosed by Bardman is coatings (col. 1, line 66) on a variety of substrates (col. 15, line 45 to col. 16, line 10).

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Bardman does not disclose or suggest aqueous systems that contain fabric. In contrast, currently amended claims 1 and 9 both recite aqueous systems that contain fabric. Applicants submit that Bardman's disclosure of applying a coating to cloth (col. 15, line 66) does not constitute a teaching or suggestion of an aqueous system that contains fabric. A person of ordinary skill in the art, upon considering Bardman's disclosure of a cloth with a layer of coating applied to it, would not conclude that Bardman's disclosure suggests the use of an aqueous system that contains fabric within itself.

In contrast, currently amended claims 1 and 9 recite compositions that include an aqueous system that contains fabric. Because Bardman does not teach or suggest such an aqueous system, Applicants submit that currently amended claims 1 and 9 are not obvious over Bardman.

Applicants submit that present claims 3 and 10-12, because they are dependent on currently amended claim 1 or currently amended claim 9, are also non-obvious over Bardman.

Additionally, Bardman does not teach or suggest polyelectrolyte that surrounds an active ingredient, so Applicants submit that this feature provides an additional reason why present claims 3 and 10 are non-obvious over Bardman.

Further, Bardman does not teach or suggest an aqueous system that is a laundry wash cycle, so Applicants submit that this feature provides an additional reason why present claims 11 and 12 are non-obvious over Bardman.

#### Conclusion

In view of the foregoing amendments and arguments, Applicants respectfully request the Examiner to reexamine the claimed subject matter, to withdraw the rejections of the claimed subject matter, and to allow claims 1, 3, and 9-12 at this time. If, however, there remain any open issues which the Examiner believes can be resolved by a telephone call, the Examiner is cordially invited to contact the undersigned agent.

No fees are believed to be due in connection with the submission of this amendment; however, if any such fees, including petition or extension fees, are due, the

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Commissioner is hereby authorized to charge them, as well as to credit any  
overpayments, to Deposit Account No. 18-1850.

Respectfully Submitted,

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